

03-04-02

**UTILITY PATENT APPLICATION TRANSMITTAL****(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

22230/5

Total Pages in this Submission

72

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**FITNESS TOOL, POINT-GIVING SERVER, POINT-GIVING SYSTEM, POINT-GIVING METHOD AND PROGRAM**

and invented by:

Takashi NARA, Yoshinori KONDO, Yuji FUKUCHI and Yukio MANDOKORO

1C868 U.S. PRO  
10/087329  
03/01/02

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation     Divisional     Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation     Divisional     Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation     Divisional     Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 45 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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### Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets 23
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

### Accompanying Application Parts

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(B) Statement (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*) JP 2001-59852 filed on March 5, 2001 and JP 2001-286645 filed on September 20, 2001 to follow
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): EL 952997158 US

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### Accompanying Application Parts (Continued)

17.  Additional Enclosures (please identify below):

### Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

### *Warning*

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

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**Fee Calculation and Transmittal****CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	6	- 3 =	3	x \$84.00	\$252.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	<b>\$740.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$992.00</b>

- A check in the amount of **\$992.00** to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. **500369** as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \_\_\_\_\_ as filing fee.
  - Credit any overpayment.
  - Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


  
Signature
Dated: **March 1, 2002****John J. Penny, Jr. (Reg. No. 36,984)****BROWN RUDNICK BERLACK ISRAELS LLP****One Financial Center****18th Floor, Box IP****Boston, MA 02111****Tel: (617) 856-8284****Fax: (617) 856-8201****Customer No. 21710**

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Nara et al.

Docket No.

22230/5

Serial No. <b>TO BE ASSIGNED</b>	Filing Date <b>HEREWITH</b>	Examiner <b>TO BE ASSIGNED</b>	Group Art Unit <b>TO BE ASSIGNED</b>
Invention: <b>FITNESS TOOL, POINT-GIVING SERVER, POINT-GIVING SYSTEM, POINT-GIVING METHOD AND PROGRAM</b>			

I hereby certify that the following correspondence:

Utility Patent Appl. Transmittal (4 pgs); Utility Patent Appl. (spec. 45 pgs, drawings 23 pages); check in the amount of \$992.00; acknowledgement postcard.

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

March 1, 2002*(Date)*Michelle A. Phinney*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EL 952997158 US*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**